

Investigative and Enforcement Services

USDA, APHIS, IES
4700 River Road, Unit 85
Riverdale, MD 20737
Phone: (301) 734-8684
Fax: (301) 734-4328

Settlement Agreement

RESPONDENT:

Robert H. Childress
Dbas, Quality Equipment LLC
146 Stegall Road
Easley, SC 29641

CASE NUMBER SC09002-AC

DUE ON OR BEFORE May 20, 2010
CONTACT Deirdre Jarvis
PHONE (301) 734-6169

DATE	CITATION	DESCRIPTION
24 APR 2008	9 CFR 2.7(d)	Annual Report by Licensees: Failed to correctly declare animals in stock. Tigers need to be documented under wild/exotic felines, the camel, should be noted under wild/exotic mammals, and farm animals such as goats and llamas need to be reported under farm animals on the annual report.
	9 CFR 3.125(a)	Facilities, general: The original round pen used for exercise, etc. was replaced with another pen that needs additional security (still only 12 feet tall) of an angled kick-in, or top cover to prevent escapes.
10 JUN 2008	9 CFR 3.127(a)	Facilities, outdoor: Two goats and a camel were tethered in a field without shade. The animals were moved, however, the goats could not stand under that truck that was being used as shade. The camel was moved under a tree for shade.
	9 CFR 3.137(a)(2)	Primary enclosures used to transport live animals: The transport trailer used, where the 2 baby goats were, had ceiling and wires hanging down in that compartment. This compartment needs to be repaired to prevent injuries from the metal strip, chewing of the wires, or the hanging ceiling pieces.
20 JUN 2008	9 CFR 3.137(a)(2)	Primary enclosures used to transport live animals: The transport trailer used, where a goat with its 2 kids were, had ceiling and wires hanging down in that compartment (this was also cited on the 6/10/08 inspection). There continues to be a metal strip that is pulled away from the wall that also needs to be repaired.
2 JUL 2008	9 CFR 2.126(a)	Access and inspection of records and property: Even though the licensee was away on travel (out of state), there needs to be a responsible person available to conduct an inspection.
10 JUL 2008	9 CFR 2.131	Handling of animals: During this inspection in Gettysburg, PA, it was observed that there was not sufficient distance and/or barriers between the viewing public and the animals(c)(1). The trailer housing the tigers had a hitch end that allowed the public to be able to contact the tigers(c)(3). The tigers were left for a time unattended/supervised while the public was present(d)(3). One goat was also observed outside of the enclosure(d)(2). Shade must always be available for animals(d).
21 JUL 2008	9 CFR 2.131	Handling of animals: There were 4 goats observed without shade (d)(2) and also no protection from the public(e). One goat in the group pen that was tied to the trailer, was getting caught in its tether(d)(1). Three tigers were left unattended (d)(3) for a short period of time as well as the barrier was not secure enough to prevent public contact with the tigers.
	9 CFR 3.125(a)	Facilities, general: The pen used to enclose the goats had several sharp wires throughout the pen and needs to be repaired so not to harm the tethered goat and others within the pen.

PENALTY \$500 .00

TERMS

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

Signature of Respondent:

Date:

Continuation Sheet for SC09002-AC Robert Childress

Date	Citation	Description
26 AUG 2008	9 CFR 3.138(a)	<u>Primary Conveyances (motor vehicle, rail, air, and marine):</u> The large red trailer used to transport/house a camel and ponies has a ceiling leak along the seam above the divider doors. This needs to be repaired to prevent animals from getting wet during transport.
27 AUG 2008	9 CFR 2.40(b)(2)	<u>Attending Veterinarian and adequate Veterinary Care (Dealers and Exhibitors):</u> A 9 year old camel appears to be thin. There are no records showing the results of fecal checks (as required by the program of veterinary care to be performed annually) and deworming twice a year. The camel's diet needs to be evaluated to determine why he remains underweight. There are also 3 tigers on a raw chicken diet supplemented with vitamins and minerals that was not approved by a vet. This needs to be reviewed by a vet to assure the tigers nutritional needs.
	9 CFR 2.75(b)(1)	<u>Records; Dealers and Exhibitors:</u> The present record of animals on hand is not correct for the goats present. There appears to be births and/or sales (5/21/08 and 6/2/08) that have not been recorded.
	9 CFR 2.131(b)(1)	<u>Handling of animals:</u> There is a llama housed in a wooded area with a halter that has a long ground rope attached. This long rope on a haltered animal could be dangerous as he could trip or get tangled in the limbs of the wooded area.
	9 CFR 3.125(a)	<u>Facilities, general: Structural strength.</u> Barb wire on the divider fence housing goats is loose hanging into the enclosure that could cause injury to the goats. The large wire covered gate in the goat enclosure also is on the ground where the goats can walk on it. The fence attachment next to the main entrance to the goat's enclosure had protruding wire at the goat's eye level, all need to be repaired to prevent injury.
	9 CFR 3.125(c)	<u>Facilities, general: Storage.</u> In the camel barn there is a large bag of "stock feed" that has ants crawling in the pellets. This needs to be stored in closed containers to protect from infestation by pests.
	9 CFR 3.127(b)	<u>Facilities, outdoor:</u> Shelter from the elements must be available for the zebra and llama that only have the shade of trees. The goats also do not have adequate shelter, the horse trailer being used is not big enough to house the 13 goats observed. Also within the trailer there was a rolled piece of chain linked fencing with goats standing on top. The goats that were not able to get in the trailer were observed under the trailer during this rainy inspection.
	9 CFR 3.130	<u>Watering:</u> The water receptacle used for the camel and horses is dirty with mosquito larvae, and sprouted seeds floating on top of the dark water. These need to be clean with fresh water available to the animals.
	9 CFR 3.131(a)	<u>Sanitation:</u> The camel barn used by the camel and horses has excessive accumulations of feces on the concrete floor. This barn floor needs to be cleaned on a more frequent basis.
29 JAN 2009	9 CFR 2.40(b)(2)	<u>Attending veterinarian and adequate veterinary care (exhibitors):</u> The camel was observed at the August 27, 2008 inspection as being thin and due for the required vet exam, fecal check, and evaluation of its diet. The last vet visit was recorded as 11/20/07. This camel still appears to

	<p>9 CFR 3.125</p> <p>9 CFR 3.131</p>	<p>be thin but there is evidence of loose stools. The camel needs to be seen by the vet. The Program of Vet Care that was written is not being followed, the program states that the camel will be dewormed twice a year and fecal checked once a year, there are no records of this being completed. The tigers were rabies vaccinated last year, the program states that FVRCP will be given, and the diet plan for the tigers needs to be updated to show what the tigers are being fed.</p> <p><u>Facilities, general:</u> The same cited items from the August 28, 2008 inspection still remain not repaired. The barb wire on the divider fence housing goats is loose hanging into the enclosure that could cause injury to the goats. The large wire covered gate in the goat enclosure also is on the ground where the goats can walk on it. The fence attachment next to the main entrance to the goat's enclosure still has protruding wire at the goat's eye level (they were cut shorter but still could cause injury). There was observed an additional loose barb wire strand lying on the ground to the left of the gate to the barn, all need to be repaired to prevent injury.</p> <p><u>Sanitation:</u> The camel barn is now being used by camel, ponies, and a donkey and remains to have excessive fecal matter on the floor. The camel's legs are caked with dirt, the barn entrance is wet with piles of feces, and feces are also observed in the yard. All needs to be removed often enough to prevent contamination and possible disease.</p>
3 JUN 2009	<p>9 CFR 2.40(b)(2)</p> <p>9 CFR 3.131</p> <p>9 CFR 3.137(a)</p> <p>9 CFR 3.138(a)</p>	<p><u>Attending Veterinarian and adequate veterinary care (dealers and exhibitors):</u> The Program of Vet Care still is not being followed as recorded on the last inspection dated January 29, 2009, and as noted by the failure to keep vaccine records on the 3 tigers.</p> <p><u>Sanitation:</u> Within the petting zoo area the enclosure for the 7 goats has accumulations of feces. This needs to be kept clean to prevent disease and odors.</p> <p><u>Primary enclosures used to transport live animals:</u> The trailer used in the petting zoo area for the goats has bent metal on the wheel well portion of the trailer that needs to be repaired. Within this same trailer, the llama enclosure has bent metal in the lower left corner that also needs repair.</p> <p><u>Primary conveyance (motor vehicle, rail, air, and marine):</u> On the trailer that the tigers are in has fenders that need to be repaired, one has a hole in it and the other is detached from the trailer. During this inspection, a tiger was observed with its tail extended outside of the enclosure by the fender, this fender could cause injury and the other fender needing repair, could also puncture a tire during transit.</p>
21 JUL 2009	9 CFR 3.127	<p><u>Facilities, outdoor:</u> During this inspection over the days of July 20 and 21, 2009, a camel and goats were exposed to both rain and sun without any shelter. Animals need to be provided with shelter from the elements.</p>
24 AUG 2009	9 CFR 3.137(a)	<p><u>Primary enclosures used to transport live animals:</u> The trailer used to transport the goats and llama is still in need of repair. The metal covering in the front lower left corner has a hole and torn metal edges. There are 4 bolts sticking 1 to 2 inches into the llama's travel area, these need to be cut down to prevent injury. There are rusted holes in the left wheel well where animals could be injured. This converted trailer needs more ventilation to be provided, the 2 ventilation openings located in the</p>

	<p>9 CFR 2.40(b)(2)</p> <p>9 CFR 3.131(a)</p>	<p>back and rear are not adequate enough to meet the requirements.</p> <p><u>Attending veterinarian and adequate veterinary care (dealers and exhibitors):</u> The Program of Veterinary Care states that the tigers will be vaccinated for FVRCP and rabies annually and that the camel will have a fecal test done annually. The tigers have not been vaccinated and no fecal test was done on the camel. Dietary changes were made for the camel and he was dewormed, but the fecal test needs to be performed to determine if the deworming was effective. The rear claws on the llama are over grown and causing the toes to curl, the llama is in need of trimming to prevent foot abnormalities. This llama's coats is also in need of shearing to prevent the matting that was observed and to prevent heat stress and skin disease.</p> <p><u>Sanitation:</u> Although the camel and horse barn are clean, the outside yard continues to have large areas of accumulated old and fresh feces. This needs to be kept clean to prevent disease, the attraction of flies, and other pests.</p>
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